IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA SOUTHWESTERN DIVISION

Ricky Allen Smuda,)	
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF'S
vs.)	MOTION FOR DEFAULT JUDGMENT
)	
)	
Michael J. Astrue, Commissioner of)	
Social Security,)	Case No. 1:14-cv-141
)	
Defendant.)	

On March 24, 2015, plaintiff filed what the court construes as a motion for default judgment. Therein he asserts that defendant had failed to timely respond to his Amended Complaint.

The record reflects that, on January 20, 2015, the Clerk of Court served defendant with a copy of the Order to Answer, Amended Complaint, and Notice of a Lawsuit and Request to Waive Service of a Summons. (Docket No. 19). On March 19, 2015, defendant filed a response to plaintiff's Amended Complaint in the form of a Motion for Remand for Further Administrative Action. This response was filed within 60 days of service of the of the Amended Complaint as required by Fed. R. Civ. P. 12(a)(2) and 42 U.S.C. § 405(g). Plaintiff's motion for default judgment (Docket No. 24) is therefore **DENIED.**¹

IT IS SO ORDERED.

Dated this 14th day of April, 2015.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court

¹ It is also worth noting that default judgment may not be entered against the United States, its officers, or its agencies "unless the claimant establishes a claim or right to relief by evidence that satisfies the court." Fed. R. Civ. P. 55(d).